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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE 23ANDME, INC. CUSTOMER DATA
SECURITY BREACH LITIGATION

CASE NO. 3:24-md-03098-EMC

**JOINT CASE MANAGEMENT
STATEMENT**

Date: May 27, 2025

Time: 2:30 p.m.

The Honorable Edward M. Chen

On April 1, 2025, the Court issued an order (ECF No. 176) scheduling a Further Case Management Conference to be held on May 27, 2025 at 2:30 PM and ordering the Parties to file a Joint Case Management Statement by May 20, 2025. The Parties jointly provide the following update and respectfully request a continuance of the Case Management Conference for the reasons set forth below.

I. Update On Bankruptcy Proceedings

On March 23, 2025, 23andMe Holding Co. and certain of its direct and indirect subsidiaries, including 23andMe, Inc. (collectively, the “Debtors” or “23andMe”), filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq* (the “Bankruptcy Code”), in the United States Bankruptcy Court for the Eastern District of Missouri (the “Bankruptcy Court”). The Debtors’ chapter 11 cases are being jointly administered under the lead case *In re 23andMe Holding Co.*, Case No. 25-40976 (collectively, the “Chapter 11 Cases”).

On March 26, 2025, 23andMe filed a *Notice of Suggestion of Pendency of Bankruptcy for 23andMe Holding Co., et al., and Automatic Stay of Proceedings* (ECF No. 175) informing this Court of the commencement of the Chapter 11 Cases and the resulting stay of, among other things, the commencement or continuation of any judicial, administrative, or other action or proceeding against the Debtors (the “Automatic Stay”). 23andMe and the Settling Parties agree that the Automatic Stay, by operation of chapter 11 of title 11 of the U.S. Code (the “Bankruptcy Code”), stays all litigation against the Debtors, including the above-captioned action in which the sole defendant is a Debtor to whom the Automatic Stay applies, and that as of the date hereof, no order has been entered in the Chapter 11 Cases granting relief from the Automatic Stay with respect to such action.

The Debtors have been authorized to commence a sale of substantially all their assets through a chapter 11 plan or pursuant to section 363 of the Bankruptcy Code. Pursuant to certain bidding procedures approved by the Bankruptcy Court, the Debtors conducted a three-day auction for the sale of the Debtors’ assets on May 14 through May 16, 2025. On May 19, 2025, the Debtors announced that the successful bidder is Regeneron Pharmaceuticals, Inc. A hearing for the Bankruptcy Court to consider and approve the sale is currently scheduled for June 17, 2025. If the sale is approved, the Debtors will seek to distribute the proceeds of the sale pursuant to the terms of a confirmable plan that is approved by the Bankruptcy Court in the Chapter 11 Cases.

The Debtors and the Settling Parties have engaged in discussions regarding, among other things, treatment of the Settling Parties' claims in the context of the Chapter 11 Cases as well as a potential global resolution of claims arising from the security incident in early October 2023 whereby 23andMe learned that an unauthorized third party was able to gain access to certain customer profile information that users had opted into sharing through the DNA Relatives feature (the "Security Incident").

II. The Case Management Conference

Given the Automatic Stay, the Debtors believe that a Case Management Conference should not be required at this time and that the Parties' and Court's resources will be conserved in favor of judicial economy if the Case Management Conference is continued and this case remains stayed, consistent with the Automatic Stay. Plaintiffs have no objection to continuing the Case Management Conference but are prepared to appear at the currently scheduled Case Management Conference to address any questions the Court may have regarding this matter.

Dated: May 20, 2025

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